

### III. REMARKS

Claims 1, 4, 6, 11, 13, 15, 17, 18 and 23 have been amended in response to the Office Action mailed on May 24, 2005. Claims 1-25 remain pending and under examination in the application.

#### *Claim Objections*

Claims 1 and 15 were objected to because "An system" should read "A system.

In response, claims 1 and 15 have been amended to read -- A system --.

#### *Claim Rejection - 35 USC § 112*

Claims 1-25 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 6, 11, 13, 15, 18 and 23 positively recite the building, and claims 4 and 17 use the phrase "see-through".

In response, claims 1, 6, 11, 13, 15, 18 and 23 have been amended so that the building (and parts thereof) are no longer positively recited, and claims 4 and 17 have been amended to change the phrase "see-through" to -- translucent --.

#### *Claim Rejection - 35 USC § 102*

Claims 1-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by German Patent to Voigt (DE 102 02 245).

In response: Applicant respectfully requests reconsideration and withdrawal of this rejection. The present application was filed on Sept. 19, 2003. Voigt was published on July 31, 2003. Voigt is not a valid reference under 35 U.S.C. § 102(b) because it was not published more than one year prior to the filing date of the present application.

In addition, claims 1 and 15 have been amended to clarify that the carrier of the present invention is a -- cup-shaped -- carrier that accommodates a person -- therein --. In contrast, the "carrier" of Voigt, which is actually a "slide disk" (not a carrier) is part of a pack that straps to the back of a person.

Voigt also lacks many elements that are positively recited in claims 1-25 of the present invention, including: automatically operated airlock mechanism (claims 1-25), exit end of tube formed with translucent material (claims 4, 17), carrier provided with a seat and handle (claims 7, 19), curved landing ramp (claims 8, 20), recited retaining lip structure (claims (9, 21), seat proximate entrance end of tube (claims 10, 22), recited carrier holder for "stack" of carriers (claims 11, 23), recited switches associated with airlock valves (claims 12, 24), voice tube (claims 13, 25), and guide ring integral with carrier flange (claim 14).

#### ***Additional Cited Art***

With regard to the other prior art cited in the Office Action: Potter and Hopkins disclose inclined chutes through which a person slides down to exit a building, Du Perron discloses an inclined chute with an air mattress at the bottom, and Xia et al. discloses a chute that utilizes positive upward air movement. None of the references disclose or suggest a vertical tube with a pneumatically damped carrier of the type specified in the claims of the present application. Xia et al. is also not a valid reference under 35 U.S.C. § 102(b) because it was not published more than one year prior to the filing date of the present application.

#### ***Summary***

In view of the foregoing, Applicant respectfully submits that claims 1-25 pending in the application are allowable over the prior art, and allowance thereof is respectfully requested.

Respectfully submitted,



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